

Remarks:

Claims 1–17 and 24–29 were previously pending with claims 1, 7, 12, 24, and 27 being independent. Claims 7–11 are herein cancelled, therefore claims 1–6, 12–17, and 24–29 are currently pending with claims 1, 12, 24, and 27 being independent. In the Office Action dated March 21, 2005 (“OA”), the drawings were objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) for failing to include a reference numeral mentioned in the specification, and the specification was objected to for having minor informalities.

Claim 26 was rejected under 35 U.S.C. § 112 as being drafted to depend upon itself. Claims 1, 2, and 4 were rejected under 35 U.S.C. § 102(b) as being anticipated by Richardson, Canada Patent No. 2,262,912. Claims 5 and 24–26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Richardson in view of Loudermilk, U.S. Patent No. 5,504,836. Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Richardson in view of Vennard, U.S. Patent No. 4,157,007. Claims 27 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Richardson. Claims 6, 12, 13, and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Richardson in view of Japanese reference No. 11-216111. Claims 14 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Richardson in view of Japanese reference No. 11-216111 and Vennard. Claims 7, 8, and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Richardson in view of Japanese reference No. 11-216111 and Gurz, U.S. Patent No. 5,539,623. Claims 9 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Richardson in view of Japanese reference No. 11-216111, Gurz, and

Vennard. Claims 11 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Richardson in view of Japanese reference No. 11-216111, Gurz, and Loudermilk.

Claims 1–6, 12–13, 15, and 17 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 12–15 of U.S. Patent No. 6,714,348. Claims 7, 8, 10, 11, and 16 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 12–15 of U.S. Patent No. 6,714,348 in view of Gurz. Finally, claims 9 and 14 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 12–15 of U.S. Patent No. 6,714,348 in view of Vennard.

Regarding the objection to the drawings, Applicant submits herewith a replacement sheet of FIGs. 3 and 4, wherein FIG. 3 has been amended to remove the reference numeral 54. Regarding the objections to the specification and to claims 1 and 24, the amendments recommended by the Examiner have been made. Therefore, Applicant believes the drawings, specification, and claims are in acceptable form.

Regarding the rejection of claim 26 under 35 U.S.C. § 112, claim 26 has been amended to depend from claim 24. Therefore, Applicant believes claim 26 conforms to the requirements of § 112.

Turning now to the rejection of claim 1 under 35 U.S.C. § 102(b), Applicant notes that claim 1 has been amended to recite a light source assembly that includes “one or more LEDs,” wherein “at least a portion of the light source assembly is externally exposed,” and wherein the light source assembly “is removable and replaceable

independently of the stage." The new language is supported in the specification at page 7, lines 17–22 and FIG. 1, among other places.

The prior art does not teach or suggest all the limitations of amended claim 1. Richardson, for example, discloses a microscope with a stage module (FIG. 1, reference numeral 100) that includes an LED (101) that is *completely internal* to the stage module, and is not replaceable independently of the stage module. Richardson states, for example, that the stage *module* is interchangeable, wherein the *module* "is connected to the rest of the microscope by a plug connector located at 112 which connects the stage module wiring to wiring buried in the base of the frame of the microscope 114." (Richardson, page 3, lines 10–19). Richardson further states that in "the event that the microscope is used with reflected light systems as described below then the *stage module* 100 may be *omitted entirely.*" (*Id.*, page 3, lines 17–19, emphasis added).

Amended claims 12, 24, and 27 recite one or more limitations similar to those of claim 1 discussed above, therefore the arguments set forth above apply to amended claims 12, 24, and 27. The remaining claims depend, either directly or indirectly, from claims 1, 12, 24, and 27.

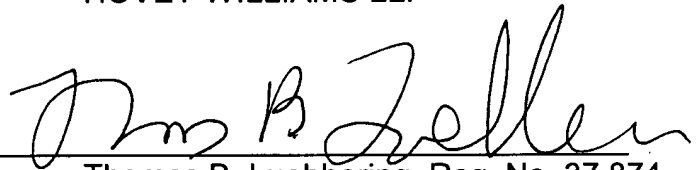
Regarding the nonstatutory double patenting rejections, Applicant asserts that the amended claims present limitations that render the claims patentably distinct from the claims of U.S. Patent No. 6,714,348 and the prior art references cited in the Office Action, considered singly or in combination.

In view of this amendment and the remarks herein, applicant respectfully submits that claims 1-6, 12-17, and 24-29 are in allowable condition and requests a Notice of Allowance. In the event of further questions, the Examiner is urged to call the undersigned. Any additional fee which might be due in connection with this application should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

HOVEY WILLIAMS LLP

By: _____



Thomas B. Luebbering, Reg. No. 37,874
2405 Grand Blvd., Suite 400
Kansas City, Missouri 64108
(816) 474-9050

ATTORNEYS FOR APPLICANT